UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,607	10/30/2001	Lale Elmas White	XI001US	1167

7590 11/18/2004	**EXAMINER**
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
       Paper No(s)/Mail Date _____ .   6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 2-3, 11-12, 20-21, and 29-30 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No. 5,758,341 issued to Voss (hereafter Voss '341).

Claim 2:

Regarding Claim 2, Voss '341 teaches: a method of reducing errors in a plurality of

accession records stored in a database of an accession processing system where each accession

record includes a plurality of fields (Voss '341: col. 2, lns. 56-60; col. 3, lns. 23-25), comprising

the steps of:

   a) generating a plurality of error type records, each record defining criteria for determining

   when one or more fields of an accession record represent an error (Voss '341: col. 4, lns.

   15-19);

   b) storing the plurality of error type records in a database of the accession processing system

   (Voss '341: col. 4, lns. 15-19);

   c) retrieving one of the plurality of accession records (Voss '341: col. 3, lns. 23-25);

   d) retrieving one of the plurality of error record types (Voss '341: col. 3, lns. 25-36);

e) determining whether the error criteria defined by one of the plurality of error type records

is satisfied by the one of the plurality of accession records (Voss '341: col. 3, lns. 25-36);

and

f) indicating in a database that the one of the plurality of accession records has the error

type when the error criteria defined by the one of the plurality of error type records is

satisfied (Voss '341: col. 11, lns. 54-64; col. 12, lns. 23-27).

Claim 3:

Regarding Claim 2, Voss '341 teaches all the limitations of Claim 1 (supra). Further note

that Voss '341 teaches that each accession record represents a service request (Voss '341: col. 3,

lns. 23-25). Note that the Voss '341 automata is applicable to an arbitrary data processing

system. Furthermore, Voss '341 uses a insurance claims system as an exemplar (Voss '341: col.

8, ln. 63 to col. 9, ln. 2). In the context of this specific exemplar, an accession record represents

a service request.

Claims 11, 20, and 29:

Claims 11, 20, and 29 are rejected on the same basis as Claim 2 (supra).

Claims 12, 21, and 30:

Claims 12, 21, and 30 are rejected on the same basis as Claim 2 (supra).

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

4.   Claims 4-10, 13-19; 22-28; and 31-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Voss '341 in view of Applicant Admitted Prior Art (hereafter AAPA). Refer

to MPEP § 2129 [R-1] for more information on AAPA.

Claim 4:

Regarding Claim 4, Voss '341 teaches all the limitations of Claim 4 (supra).

Furthermore, Voss '341 teaches an automata that operates on accession records composed of a

plurality of fields (Voss '341: col. 3, lns. 23-36). However, Voss '341 does not explicitly teach

a field indicating the payor.

AAPA discloses as prior art a field indicating the payor (AAPA: Specification, p. 1, lns.

21-23). Specifically, Applicant's Specification, p. 1, lns. 21-23 discloses as prior art, "In some

applications, the financially responsible party is a client of the requesting client. Further, the

client of the requesting client may have a form of insurance whereby an insurance provider may

be responsible for all or some of the billable services." The insurance provider tracked in the

application reads on a field indicating the payor.

It would have been obvious for a person having ordinary skill in the art to apply the

automata of Voss '341 to the application with the payor field as disclosed by AAPA. The

motivation to combine is suggested by Voss '341 which teaches the benefits of cost savings,

faster speed, uniform results, and shorter maintenance time when applied to a data processing

application such as disclosed by AAPA (Voss '341: col. 3, lns. 37-60; col. 2, lns. 56-60).

Claim 5:

Regarding Claim 5, Voss '341 and AAPA teach all the limitations of Claim 4 (supra).

Further note that Voss '341 (as modified) discloses a plurality of error type records used for the

criteria for determining when one or more fields of an accession record represent an error.
Moreover, AAPA discloses as prior art a field indicating the payor (AAPA: Specification, p. 1,
lns. 21-23) (see discussion regarding Claim 4 supra).

It would have been obvious for a person having ordinary skill in the art to apply the
automata of Voss '341 to the application with the payor field as disclosed by AAPA on the same
basis as Claim 4 (supra). Further note that as Voss '341 teaches applying said automata to an
arbitrary application, and teaches "a set of relationships among the transaction error codes and
the data" (Voss '341: col. 4, lns. 15-19), the ordinary practitioner is motivated to have an error
code that reflects a payor field, within an insurance accounts receivable application as disclosed
by AAPA.

Claim 6:

Regarding Claim 6, Voss '341 and AAPA teach all the limitations of Claim 4 (supra).
Furthermore, Voss '341 (as modified) teaches the plurality of error type records define criteria
for determining when one or more fields of an accession record represents an error (Voss '341:
col. 4, lns. 15-19). However, within the scope of the disclosed invention of Voss '341 combined
with AAPA, does not explicitly teach that the specific error types are one of an internal error, an
unpriceable error, and unbillable error.

Upon further consideration of Voss '341, Voss '341 discloses as prior art (Voss '341: col.
1, lns. 53-60) a number of systems that process claims. It is well known in the art that claims
systems include specific error types of internal error, an unpriceable error, and unbillable error.

It would have been obvious for a person having ordinary skill in the art to apply the error
types of the prior art of Voss '341 to the Voss '341 and AAPA combination. The motivation to

combine same is suggested by Voss '341 which teaches that the Voss '341 automata (as

modified), applies to an arbitrary data processing system (Voss '341: col. 2, lns. 56-59). In

order to apply the Voss '341 and AAPA combination to the claims systems of the prior art of

Voss '341, it is obvious and necessary to incorporate the well-known error types of the claim

systems of the Voss '341 prior art. These well-known error types include internal error, an

unpriceable error, and unbillable error. Thus, it is obvious and necessary to apply the Voss '341

automata to said well-known internal, unpriceable, and unbillable error types of the claims

systems of the Voss '341 prior art.

Claim 7:

Regarding Claim 7, Voss '341 and AAPA teach all the limitations of Claim 4 (supra).

Further note that Voss '341 (as modified) teaches:

g) generating the plurality of error handling records, each error handling record defining at

    least one step for the processing of an error type (Voss '341: col. 4, lns. 15-19; col. 4,

    lns. 50-55);

h) storing the plurality of error handling records in a database of the accession processing

    system (Voss '341: col. 4, lns. 15-19; col. 4, lns. 50-55);

i) retrieving an indication that the one of the plurality of accession records has an error type

    from the indication database (Voss '341: col. 4, lns. 55-58);

j) retrieving one of the plurality of error handling records that corresponds to the error type

    (Voss '341: col. 4, lns. 55-58); and

k) performing the step dictated in the retrieved one of the plurality of error handling records

    (Voss '341: col. 4, lns. 21-25; col. 4, lns. 37-41; col. 4, lns. 59-63).

Claim 8:

Regarding Claim 8, Voss '341 and AAPA teach all the limitations of Claim 7 (supra).

Further note that AAPA teaches that at least one of the plurality of error handling records

includes a payor field and the at least one step to be performed for the error type varies as a

function of the accession payor (AAPA: Specification, p. 1, ln. 23 to p. 2, ln. 3). Specifically,

Applicant Specification , p. 1, ln. 23 to p. 2, ln. 3 discloses as prior art, "In addition, the amount

that may be billed for the provided service may vary as a function of the insurance provider. For

example, a Doctor (requesting client) may request a Laboratory (client service provider) to

perform several tests for a Patient (requesting client's client) where the Patient has an Insurance

provider that pays a fixed price for tests or a group of tests."

Claim 9:

Regarding Claim 9, Voss '341 and AAPA teach all the limitations of Claim 8 (supra).

Furthermore, Voss '341 (as modified) teaches at least one step to be performed by the plurality

of error handling records (Voss '341: col. 4, lns. 15-19). However, within the scope of the

disclosed invention of Voss '341 combined with AAPA, does not explicitly teach that the

specific steps includes one of automatic matching, manual match, correspondence, outside

referral, and hold.

Upon further consideration of Voss '341, Voss '341 discloses as prior art (Voss '341:

Section titled, "Background of the Invention") that the specific steps includes one of automatic

matching, manual match, correspondence, outside referral, and hold (Voss '341: col. 1, lns. 27-

31; col. 2, lns. 10-20).

It would have been obvious for a person having ordinary skill in the art, to further apply the systems disclosed in the prior art of Voss '341 to the Voss '341 and AAPA combination. The motivation to apply the Voss '341 and AAPA combination to the systems disclosed as prior art in Voss '341 is suggested by Voss '341 which these prior art systems as exemplary that the Voss '341 is to be applied to (Voss '341: col. 8, ln. 63 to col. 9, ln. 2; col. 1, lns. 53-60).

Claim 10:

Regarding Claim 10, Voss '341, AAPA, and Voss '341 under further consideration teach all the limitations of Claim 9 (supra). Furthermore, Voss '341 teaches an automata that operates on a plurality of error handling records (Voss '341: col. 3, lns. 23-36) and the at least one step to be performed for the error type is a function of a field (Voss '341: col. 4, lns. 22-25; col. 4, lns. 37-41; col. 4, lns. 55-62). Voss '341 does not explicitly teach the records including an effective date field, and the step to be performed is a function of the accession record creation date

Upon further consideration of Voss '341, Voss '341 discloses as prior art (Voss '341: col. 1, lns. 53-60) a number of systems that process claims. It is well known in the art that claims systems include effective date field and have operations dependent on an accession record creation date.

It would have been obvious for a person having ordinary skill in the art to apply the effective date field of the prior art of Voss '341 to the Voss '341 and AAPA combination. The motivation to combine same is suggested by Voss '341 which teaches that the Voss '341 automata (as modified), "accesses data elements and data records from the mainframe system", and that said data elements come, "from an unlimited number of screens or transactions" (Voss '341: col. 3, lns. 23-25). In order to apply the Voss '341 and AAPA combination to the claims

systems of the prior art of Voss '341, it is obvious and necessary to apply the Voss '341 automata (as modified) to the accession records containing well-known fields to trigger well-known operations of said claims systems. These well-known fields include the effective date field and these well-known operations include to operations dependent on accession record creation date. Thus, it is obvious and necessary to apply the Voss '341 automata to said well-known effective date field and well-known operations dependent on accession record creation date of the claims systems of the Voss '341 prior art.

Claims 13, 22, and 31:

     Claims 13, 22, and 31 are rejected on the same basis as Claim 4 (supra).

Claims 14, 23, and 32:

     Claims 14, 23, and 32 are rejected on the same basis as Claim 5 (supra).

Claims 15, 24, and 33:

     Claims 15, 24, and 33 are rejected on the same basis as Claim 6 (supra).

Claims 16, 25, and 34:

     Claims 16, 25, and 34 are rejected on the same basis as Claim 7 (supra).

Claims 17, 26, and 35:

     Claims 16, 26, and 35 are rejected on the same basis as Claim 8 (supra).

Claims 18, 27, and 36:

     Claims 18, 27, and 36 are rejected on the same basis as Claim 9 (supra).

Claims 19, 28, and 37:

     Claims 19, 28, and 37 are rejected on the same basis as Claim 10 (supra).

Response to Arguments

5.   Applicant's arguments filed July 7, 2004 (the "Response") have been fully considered but

they are not persuasive. Applicant's arguments are addressed as follows:

   A.   Applicant asserts Voss '341 does not "teach, suggest, or motivate **a person to**

   generate a plurality of error type records..." (Response: p. 2, last paragraph).

   In response to applicant's argument that the references fail to show certain

   features of applicant's invention, it is noted that the features upon which applicant

   relies (i.e., "a person to generate") are not recited in the rejected claim(s).

   Although the claims are interpreted in light of the specification, limitations from

   the specification are not read into the claims. See *In re Van Geuns*, 988

   F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

   Examiner points out that Claim 2, as currently stated, describes a method in which

   the active party to generate a plurality of records is never recited. Therefore,

   Claim 2, as currently stated, encompasses a method in which the generated error

   type records were generated by a programmer.

   B.   Applicant asserts Voss '341 does not "teach **retrieving** one of these created and

   stored error criteria records to **apply** the criteria against a retrieved accession

   record" (Response: p. 3, first paragraph).

Voss '341 discloses a "predetermined mainframe computer data base stored in associative memory contains transaction processing error codes and procedures related to each error code for correcting data elements from the insurance claim transaction records having a matching error code. Means are included for comparing the data elements to transaction processing error codes stored within the data base to find a matching error code and insurance claim record." (Voss '341: col. 4, lns. 50-58). Finding a matching error code reads on retrieval. Matching error codes to records reads on applying.

C.   Applicant asserts Voss '341 does not "teach, suggest, or motivate a person to create a processing system with an **updatable database** of error type records..." (Response: p. 4, first paragraph).

Voss '341 discloses a "predetermined mainframe computer database containing transaction error codes" (Voss '341: col. 4, lns. 16-17). In order for the computer database to contain error codes, the programmer had to update the database by inserting error codes. Thus, the database of Voss '341 is updatable.

D.   Applicant asserts Voss '341 does not "teach or suggest **retrieving** error type records" (Response: p. 5, first paragraph).

Voss '341 discloses, "Means are included for comparing the data elements to

transaction processing error codes stored within the data base to find a matching

error code and insurance claim record." (Voss '341: col. 4, lns. 55-58). As stated

in Response B (supra), finding a matching error code reads on retrieval.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrick J.D. Santos whose telephone number is 571-272-4028.

The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos
November 10, 2004

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